

*Supply—Justice*

what purpose will they serve except to establish convictions in respect of charges laid? And there is no evidence from the figures we have before us that when charges are laid there is a very high percentage of acquittals. In Manitoba it is less than eight per cent.

So that if law enforcement officers really want to enforce the law and stop drunken driving, they have a pretty good instrument at their hands right now. And I suggest they may not have a very much better instrument if they introduce these blood tests. I am not for one moment saying that we should not introduce these tests, but what will that do but increase the present percentage of convictions from 92 per cent in Manitoba to perhaps 100 per cent? We have only a small margin on which to work. Once in a while there is picked up an innocent man who, on the facts, should get off. He is in that seven per cent.

May I say that I appreciate my hon. friend's raising this point. It is a most important one. We are trying to give it the consideration it richly deserves. But I suggest that we are not deserving of his criticism simply because we have not rushed an amendment into the House of Commons to bridge that small gap, in the face of those scientific disagreements which the authorities indicate. That does not mean for one moment that we may not later bring down an amendment along these lines. But it will not be until we have given the whole matter the most careful consideration, so that when we bring an amendment down we can lay it before members and absolutely vouch for its fairness and its efficacy.

**Mr. Diefenbaker:** Just a word in reply—and I do not intend to reply in kind. When the Minister of Justice says that there are less than 8 per cent acquittals, that statement does not tell the picture at all. For what invariably happens is this, that when a man is charged with driving when drunk, and with the evidence of the police officer that he staggered, seemed to be uncertain of his equilibrium, and was thick in his speech, and had the other symptoms common to intoxication, charges are laid for a lesser offence.

The hon. member for Calgary West suggests that thickness of speech is one condition. I place his opinion even a little higher than that of the former attorney general of Manitoba, because I know that the hon. member for Calgary West has prosecuted hundreds, if not thousands, of cases in the criminal courts.

What happens is that charges are laid for a lesser offence, that of reckless driving. In

fact, in the statistics for September, 1948, issued by the government of Canada, this situation is pointed out, where they deal with the theft of automobiles and say:

It would seem that to avoid the heavy penalty of not less than one year in prison for theft of a motor, the charge of "taking a car without the owner's consent" is resorted to.

Then it goes on to point out in connection with intoxication that conviction for dangerous and reckless driving dropped 10.8 per cent in one year, whereas those under class VI in which drunken driving is contained dropped by 16.2 per cent.

My hon. friend referred to the deputy attorney general of Manitoba. Let me now present some of the officials who have been in charge of the administration of justice. These are police officers, and this is what they say. The minister says there is no difficulty in connection with convictions for drunken driving. Well, Chief Walter Mulligan of Vancouver used these words:

A drunk-driving charge is one of the most difficult to prove.

My hon. friend mentioned the number of cases during the year, and said that there were only 8 per cent acquittals. I am asking him how many pleaded not guilty, and I have had no answer to that question. Many who are taken in plead guilty. But that in no way answers the argument that a defence and a plea of not guilty leads in most cases—and I say most cases—where there is any doubt whatsoever arising as a consequence of evidence advanced by the defence, to a conviction for a lesser offence, or at least a conviction on a charge of reckless driving.

Dr. Joslyn Rogers, outstanding provincial analyst in Ontario, a man of exceptional capacity and one who is regarded by many as Canada's outstanding toxicologist and one learned in criminal jurisprudence, says this:

The drunk driver's killings and maimings would appall the public if they could be put before people in all their horror. He is the greatest menace we have.

I have referred to the chief of police in Vancouver. Let me now refer to Chief Charles MacIver of Winnipeg who says:

Drunk driving is the No. 1 social problem today. A motorist under the influence of liquor is a potential murderer.

**Mr. Garson:** We all agree with that.

**Mr. Diefenbaker:** Oh, yes! The type of agreement of the man charged with law enforcement in this country is, "I agree with that; but we are not going to do anything about it." And then he says, "Give us time."

**Mr. Garson:** That is not what I said.